

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WESTERN DIVISION

CIVIL ACTION NO. 3:05-CV-30109-MAP

JOANN PELLETIER,
Plaintiff

vs.

CHITRA PUBLICATIONS and
SANDRA T. TALBOT,
Defendants

PLAINTIFF'S MOTION TO AMEND COMPLAINT

Now comes the Plaintiff, JoAnn Pelletier ("Ms. Pelletier"), and respectfully requests that this Honorable Court permit her to file and serve the attached Amended Complaint for Injunctive Relief and Damages in compliance with Federal Rules of Civil Procedure 15(a). In support thereof, Ms. Pelletier states that her original Complaint was filed on or about May 4, 2005, alleging copyright infringement as to Defendant Sandra Talbot (Count I), copyright infringement as to Defendant, Chitra Publications (Count II) false designation of origin as to Defendant Sandra Talbot (Count III), false designation of origin as to Defendant Chitra Publications (Count IV), unfair competition pursuant to Massachusetts General Laws, Chapter 93A as to Defendant, Sandra Talbot (Count V), and unfair competition pursuant to M.G.L., Chapter 93A as to Defendant Chitra Publications (Count VI).

The Defendant Talbot filed an Answer to the Plaintiff's Complaint on October 12, 2005, participated in a scheduling conference on February 9, 2006, and filed her initial disclosure pursuant to Fed.R.Civ.P. 26 on February 21, 2006. To date, the Defendant, Chitra Publications, has ignored the Plaintiff by failing to answer the original complaint, causing a default to be entered by this Court on October 13, 2005.

Federal Rules of Civil Procedure 15(a) states, in pertinent part:

“A party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served...”

The Plaintiff’s Amended Complaint seeks to add Counts against Chitra Publications, Chitra’s General Partner, Chariot Publishing, Inc., Chariot’s officer, Christiane Meunier, Chitra’s owner, Christiane Meunier, and Christiane Meunier d/b/a Moon Over Mountain. The Amended Complaint does not seek to add any counts against Sandra T. Talbot, who has answered the original complaint.

Accordingly, Ms. Pelletier should be permitted to amend her original complaint “as a matter of course” and to serve the complaint on all defendants named in the Amended Complaint.

WHEREFORE, the Plaintiff hereby moves to amend her original complaint and to serve the same upon all defendants.

DATED: March 3, 2006

THE PLAINTIFF
BY HER ATTORNEY,

/s/ Claire L. Thompson

Claire L. Thompson, Esquire
Doherty, Wallace, Pillsbury
& Murphy, P.C.
One Monarch Place, Suite 1900
Springfield, MA 01144-1900
Tel: (413) 733-3111
Fax: (413) 734-3910

CERTIFICATION

I certify that this document has been served upon counsel of record, Steven M. Coyle, Esq., Cantor Colburn, LLP, 55 Griffin Road, Bloomfield, CT and the following parties: Chariot Publishing, Inc. as general partner of Chitra Publications, Inc., Christiane Meunier, as officer of Chariot Publishing, Christiane Meunier as owner of Chitra Publications, Inc. and Christiane Meunier d/b/a Moon Over Mountain at 2 Public Avenue, Montrose, Pennsylvania 18801-1220 in compliance with F.R.C.P. on March 3, 2006.

/s/ Claire L. Thompson

Claire L. Thompson, Esq.

DOHERTY, WALLACE, PILLSBURY AND MURPHY, P.C.

ATTORNEYS AT LAW

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† REGISTERED PATENT ATTORNEY
* ALSO ADMITTED IN CONNECTICUT
‡ ALSO ADMITTED IN NEW YORK
** ALSO ADMITTED IN DISTRICT OF COLUMBIA
*** ALSO ADMITTED IN SOUTH CAROLINA

March 3, 2006

Christiane Meunier, Officer
Chariot Publishing, Inc.,
2 Public Avenue
Montrose, PA 18801-1220

RE: JoAnn Pelletier v. Sandra T. Talbot, Chitra Publications, Chariot Publishing, Inc. as general partner of Chitra Publications, Christiane Meunier as officer of Chariot Publishing, Inc. Christiane Meunier as owner of Chitra Publications and Christiane Meunier d/b/a Moon Over Mountain
U.S. District Court – Western Section
Civil Action No: 3:05-cv-30109-MAP

Dear Ms. Meunier:

Pursuant to the Federal Rules of Civil Procedure 5(b) and the U.S. District Court Local Rule 15.1B for the District of Massachusetts (Western Division), you are hereby served with a copy of the Plaintiff's Motion to Amend Complaint to add Christiane Meunier as officer of Chariot Publishing, Inc., and a copy of the Amended Complaint for Injunctive Relief and Damages.

This motion will be filed with the U.S. District Court in Springfield on March 13, 2006.

Very truly yours,

/s/ *Claire L. Thompson*

Claire L. Thompson

CLT/db
Enclosures

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DISTRICT OF MASSACHUSETTS

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DATED: March 3, 2006

THE PLAINTIFF
BY HER ATTORNEY,

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/s/ Claire L. Thompson

Claire L. Thompson, Esq.

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Chariot Publishing, Inc.,
General Partner of Chitra Publications
2 Public Avenue
Montrose, PA 18801-1220

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This motion will be filed with the U.S. District Court in Springfield on March 13, 2006.

Very truly yours,

/s/ *Claire L. Thompson*

Claire L. Thompson

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Enclosures

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March 3, 2006

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2 Public Avenue
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U.S. District Court – Western Section
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Dear Ms. Meunier:

Pursuant to the Federal Rules of Civil Procedure 5(b) and the U.S. District Court Local Rule 15.1(B) for the District of Massachusetts (Western Division), you are hereby served with a copy of the Plaintiff's Motion to Amend Complaint to add Christiane Meunier d/b/a Moon Over Mountain, and a copy of the Amended Complaint for Injunctive Relief and Damages.

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